

REMARKS

This application has been carefully reviewed in light of the Office Action dated December 20, 2004. Claims 1-6 remain pending in this application. Claims 1 and 5 are now the independent claims.

Applicant notes with appreciation the indication that Claim 6 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and to include all of the limitations of the base claim and any intervening claim. Applicant respectfully refrains from so amending Claim 6 because they believe its base claim to be allowable.

On the merits, the Office Action rejected Claims 1-6 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully believes the amendments to Claim 1 adequately responds to the § 112, second paragraph rejection and requests its withdrawal.

Further on the merits, the Office Action rejected Claims 1, 2, and 4 under 35 U.S.C. § 102(b) as being anticipated by Takemoto et al. (U.S. Patent No. 5,065,246; hereinafter "Takemoto"). The Office Action also rejected Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Takemoto. The Office Action also rejected Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Takemoto in view of Kaneda et al. (U.S. Patent No. 5,666,562;

herinafter "Kaneda"). Applicant respectfully traverses the rejections for at least the following reasons:

Takemoto fails to recite or suggest the image processing device including at least a first high-pass image filter and a first low-pass image filter in the form of summers of the results of the compression transformation, wherein the filters utilized by said image processing device comprise said image filters. Rather, Takemoto recites switching circuit 18 supplying a high-frequency component in an auto focus mode (see, e.g., Col. 4, lines 52-57). Only in storage mode or transmission mode are low-frequency components supplied (see, e.g., Col. 4, lines 58-68) where, by contrast, no auto focusing occurs. "...[O]peration part 19 carries out an operation to obtain focus information which indicates the focal state of the image pickup system 11 based on the image signal which is received from switching circuit 18 in the automatic focusing mode..." (Col. 5, lines 8-12). Thus Takemoto only utilizes high-frequency signal components in its filtering for lens adjustment. So Takemoto fails to recite or suggest utilizing a high-pass filter and a low-pass filter in its image processing device. Further, Takemoto fails to recite or suggest every element of Applicant' Claim 1. Applicant respectfully traverses the rejection of Claim 1 for at least these reasons.

Claim 5 recites method substantially corresponding to the camera of Claim 1 and is believed patentable for at least the same

reasons. Applicant respectfully believes the § 103 rejection of Claim 5 to be moot in light of the above amendments and remarks and requests its withdrawal.

Claims 2-4 and 6 depend from one or another of the independent claims discussed above and are believed patentable for at least the same reasons. In addition, Applicant believes Claims 2-4 and 6, to be independently patentable and request separate consideration of each claim. Further, Applicant respectfully believes the § 103 rejections of Claim 3 to be moot in light of the above amendments and remarks and requests their withdrawal.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application. Applicant's undersigned attorney may be reached by telephone at the number given below.

Respectfully submitted,

By 

Aaron Waxler

Reg. 48,027

(914) 333-9608

February 7, 2005